

CASE NUMBER: 15SN0651
APPLICANT: Heriberto Hernandez Castillo



**STAFF'S ANALYSIS
AND
RECOMMENDATION**

Planning Commission (CPC)

Public Hearing Date:

AUGUST 18, 2015

CPC Time Remaining:

72 DAYS

Applicant's Contact:

EDIBERTO HERNANDEZ CASTILLO
(804-389-3286)

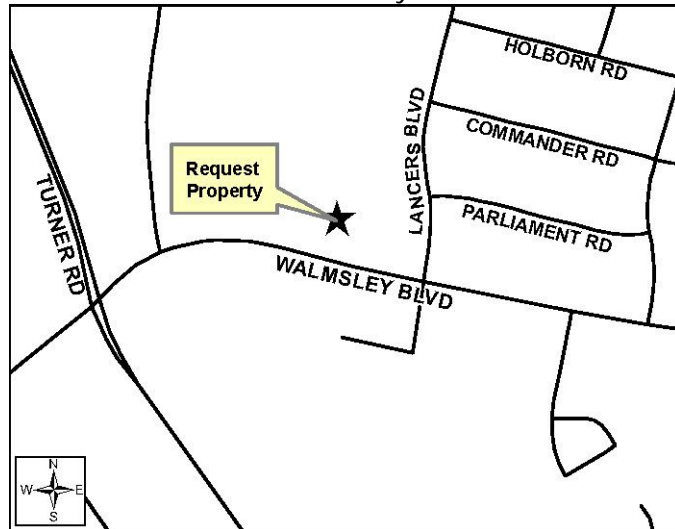
Planning Department Case Manager:

ROBERT CLAY (804-796-7122)

CHESTERFIELD COUNTY, VIRGINIA

Magisterial District: **MIDLOTHIAN**

6712 Walmsey Blvd



APPLICANT'S REQUEST

Conditional use to permit a business (tree service) incidental to a dwelling, in a Residential (R-7) District

A tree service business with associated equipment is currently operating from the property without the requisite zoning. Approval of this conditional use would bring the use into compliance with the Ordinance.

Notes:

- A. Conditions may be imposed or the property owner may proffer conditions.
- B. Proffered conditions and an exhibit are located in Attachments 1 and 2.

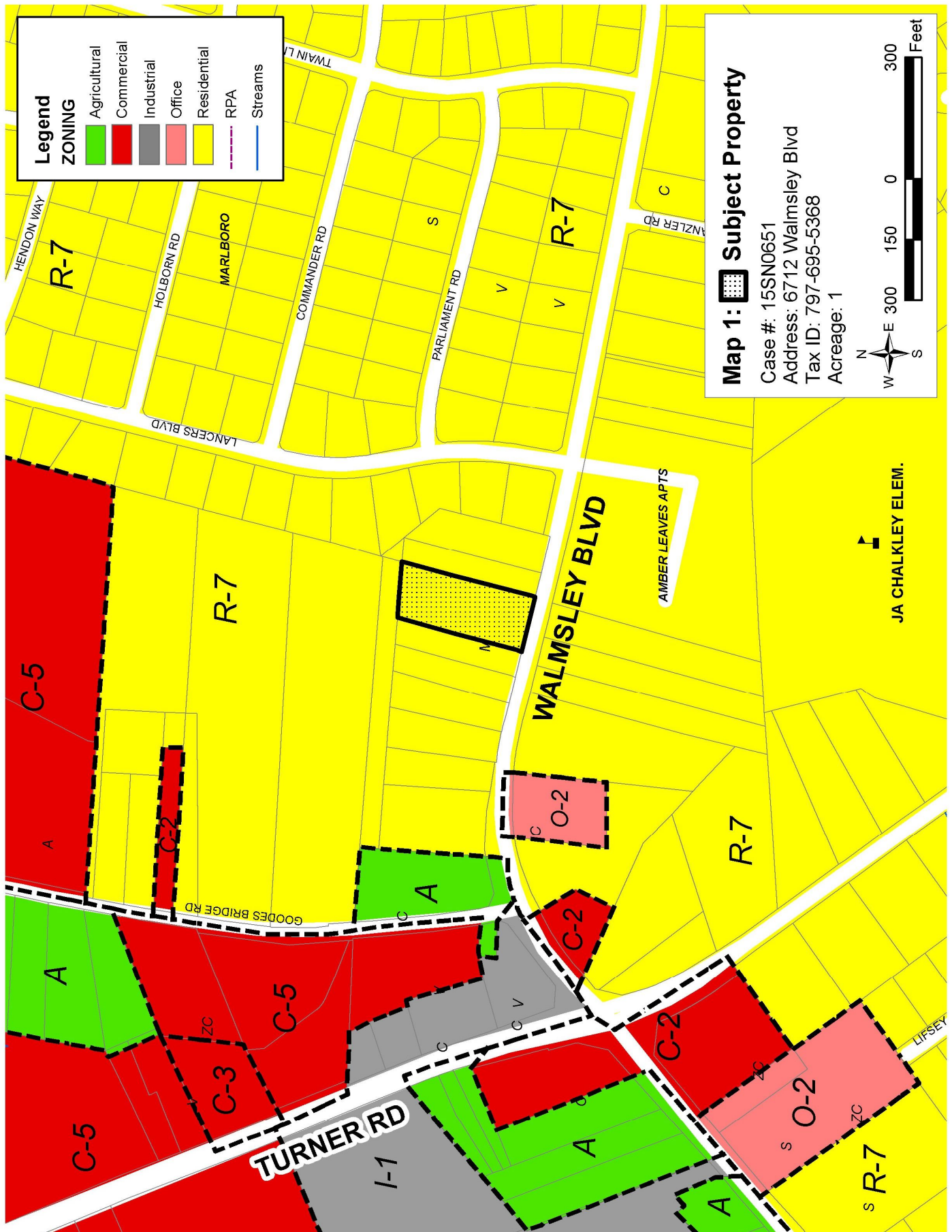
RECOMMENDATION

STAFF

RECOMMEND APPROVAL

- Complies with the Plan
- Addresses impacts of use on area development

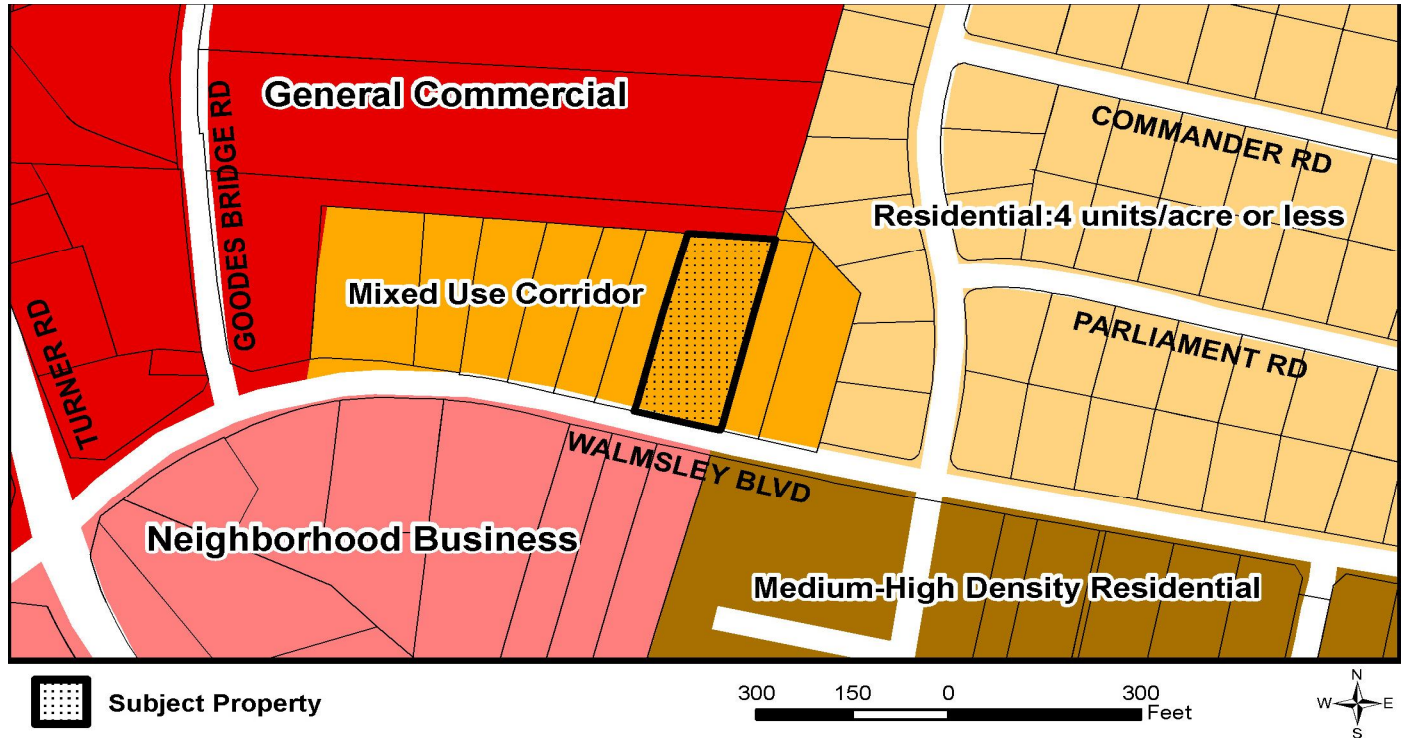
SUMMARY OF IDENTIFIED ISSUES	
Department	Issue
PLANNING	-
FIRE	-
CDOT	-
VDOT	-
UTILITIES	-
ENVIRONMENTAL ENGINEERING	-



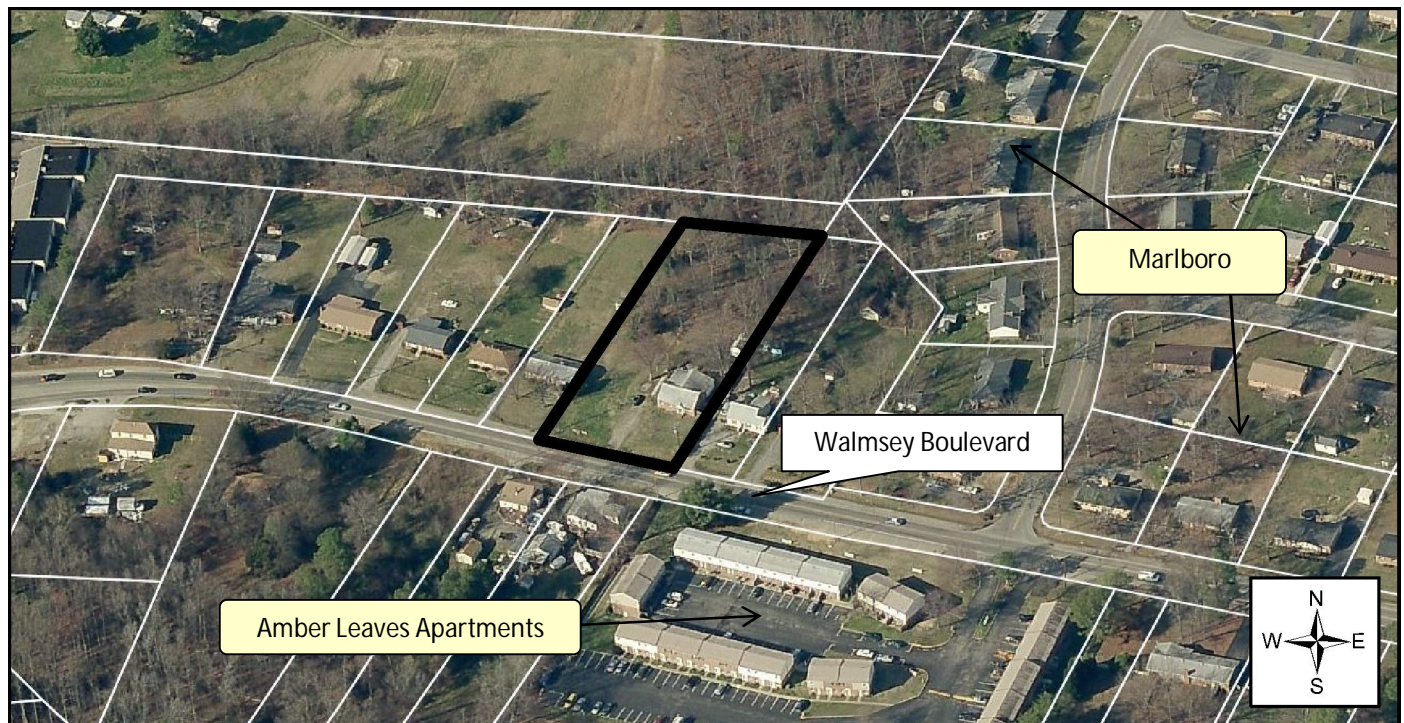
Map 2: Comprehensive Plan (Route 360 Corridor Plan)

Classification: **MIXED USE CORRIDOR**

The designation suggests the property is appropriate for a mixture of residential developments incorporating high quality architectural features and site amenities and using "cluster" design to maintain open space, and corporate office uses; churches, public facilities and other uses with similar impacts. The Plan allows for the conversion of existing residences for interim non-residential uses.



Map 3: Surrounding Land Uses & Development



PLANNING

Staff Contact: Robert Clay (804-796-7122) clayr@chesterfield.gov

PROPOSAL

The applicant, who is a tree service contractor, has been operating the business from this property since 2013 without the required zoning.

In January, 2015, the Planning Department received a complaint relative to the operation of a tree service business on the request property. Upon investigation, staff observed vehicles, vehicle trailers, and wood chipper equipment associated with a tree service business. The applicant conveyed to staff that he and his family reside in the residence and he operates the business incidental to the residence. He was informed to continue operating the business from this location would require an approval of a conditional use.

AREA DEVELOPMENT AND THE PLAN

The subject property and area parcels located on the north line of Walmsey Boulevard, between Goodes Bridge Road and Lancers Boulevard, are occupied by single family residences. While residentially-zoned, the Plan anticipates these parcels will eventually be redeveloped for non-residential uses. As such, the Plan supports conversion of these dwellings for interim uses, to include office and public/semi-public uses. Longer term, the Plan anticipates aggregation and redevelopment of these properties as part of a larger commercial or light industrial development plan fronting Goodes Bridge Road, employing appropriate transition to adjacent residential uses.

The chart on the following page provides an overview of conditions offered by the applicant to mitigate the impact of the home-based tree service business on area properties:

General Overview	
Requirements	Details
Ownership	Limited to the applicant only <i>Proffered Condition 1</i>
Use	Limited to a tree service business <i>Proffered Condition 2</i>
Time Limitation	Limited to 5 years <i>Proffered Condition 3</i>
Equipment/Material Storage	<ul style="list-style-type: none"> • Trailer • Wood Chipper • Stump Grinder • Dump Truck • Pickup Truck • Firewood <i>Proffered Condition 4</i>
Location of Use	Confined to rear of property <i>Proffered Condition 5</i>
Screening	Minimum 6-foot privacy fence shall be installed around the outside storage area. <i>Proffered Condition 6</i>
Employees and Clients	<ul style="list-style-type: none"> • No more than 3 employees • No clients <i>Proffered Condition 7</i>
Signage	None permitted <i>Proffered Condition 8</i>
Hours of Operation	Monday through Saturday from 8:00 a.m. to 6:00 p.m. <i>Proffered Condition 9</i>

PUBLIC FACILITIES

FIRE SERVICE

Staff Contact: Greg Smith (804-706-2012) smithgd@chesterfield.gov

Nearby Fire and Emergency Medical Service (EMS) Facilities

Fire Station	The Manchester Fire Station, Company Number 2
EMS Facility	The Forest View Volunteer Rescue Squad

COUNTY DEPARTMENT OF TRANSPORTATION

Staff Contact: Jim Banks (804-748-1037) banksj@chesterfield.gov

The Comprehensive Plan, which includes the Thoroughfare Plan, identifies county-wide transportation needs that are expected to mitigate traffic impacts of future growth. The anticipated traffic impact of the proposal has been evaluated and it is anticipated to be minimal.

VIRGINIA DEPARTMENT OF TRANSPORTATION

Staff Contact: Brian Lokker (804-674-2384) brian.lokker@vdot.virginia.gov

VDOT Land Use Regulations

Traffic Impact Analysis (24VAC30-155)	-
Access Management (24VAC30-73)	-
Subdivision Street Acceptance (24VAC30-91/92)	-
Land Use Permit (24VAC30-151)	-
Summary	-

WATER AND WASTEWATER SYSTEMS

Staff Contact: Jamie Bland (804-751-4439) blandj@chesterfield.gov

The proposal's impacts on the County's utility system are detailed in the chart below:

Water and Wastewater Systems			
	Currently Serviced?	Size of Existing Line	Connection Required by County Code?
Water	Yes	12"	Yes
Wastewater	Yes	8"	Yes

The proposed request will not impact the public water and wastewater systems.

ENVIRONMENTAL

Drainage, Erosion and Water Quality

Staff Contact: Doug Pritchard (804-748-1028) pritchardd@chesterfield.gov

Environmental Engineering has not comment on this request.

CASE HISTORY	
Applicant Submittals	
4/15/15	Application submitted
7/16/15	Proffers submitted
Community Meetings	
7/20/15	Community meeting – no one attended
Planning Commission Meeting	
7/21/15	<p>Commission Discussion</p> <p>The District Commissioner indicated he would like to defer the case to allow additional time for the applicant to work with staff. He felt this could be done within the next 30 days.</p> <p>ACTION: DEFERRED TO THE COMMISSION'S AUGUST 18, 2015 PUBLIC HEARING</p>

PROFFERED CONDITIONS

1. Non-Transferable Ownership: This Conditional Use approval shall be granted exclusively to Heriberto Hernandez Castillo, and shall not be transferable with the land.
2. Use: This Conditional Use approval shall be for the operation of a business (tree service), incidental to a dwelling.
3. Time Limitation: This Conditional Use approval shall be granted for a period not to exceed five (5) years from the date of approval.
4. Equipment Storage: As a part of this business the following equipment and material may be stored on the property. No other equipment for this use may be allowed:
 - Trailer
 - Wood Chipper
 - Stump Grinder
 - Dump Truck
 - Pickup Truck
 - Firewood
5. Location of Use: The use shall be confined to the rear of the property.
6. Screening: A minimum six (6) foot high privacy fence shall be installed to screen the outside storage area from adjacent properties and from public rights-of-way. The fence shall be constructed as a board-on-board fence and shall be installed within 90 days of approval of this request.
7. Employees and Clients: No more than three (3) employees shall be permitted to work on the premises other than family member employees that live on the premises. No clients shall be permitted on the property.
8. Signage: There shall be no signs identifying this use.
9. Hours of Operation: Movement of equipment shall be limited to Monday through Saturday from 8:00 a.m. to 6:00 p.m.

GRAPHIC

